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NOV 14 2005

OFFICE OF PETITIONS

In re Application of	:
Jay Dee Krull et al	:
Application No. 10/763,724	: DECISION GRANTING PETITION
Filed: January 23, 2004	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 702.322	:

This is a decision on the petition, filed November 11, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 18, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

There is no indication that petitioner herein, Mr. Thomas B. Luebbering, was ever given a power of attorney to act in this application. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Luebbering appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If Mr. Luebbering desires to receive correspondence regarding this file, the appropriate power of attorney

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b) (along with any balance due or the amount due at the time of payment), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

documentation must be submitted. A courtesy copy of this decision is being mailed to Mr. Luebbering; however, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 3661 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.



Frances Hicks
Petitions Examiner
Office of Petitions

cc:

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